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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,297	02/24/2004	Takashi Tameshige	NITT.0196	5051
7590 11/13/2008				
Stanley P. Fisher Reed Smith LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042-4503			EXAMINER DICKER, DENNIS T	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/784,297

**Applicant(s)**

TAMESHIGE ET AL.

**Examiner**

DENNIS DICKER

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/11/2008 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. It is not clear if any of the claimed steps are actually performed. The claim language such as "allowing the client machine to . . ." is unclear as to if the steps are actually performed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pace et al (US 7,181,731).

As pertaining to **Claim 1**, Pace teaches a method for executing a job loaded into a client machine on a server (**i.e., Col. 37 lines 3-12, job loaded from source to target computer**) that is in a computer environment different from a computer environment of the client machine (**i.e., Col. 37 lines 58-63**), said method comprising the steps of: allowing the client machine to issue to the server machine a job execution request for executing the job (**i.e., Col. 4 lines 64-67**), the job execution request being accompanied by environment information (**i.e., Fig. 2C and Col. 39 lines 13-15, asset includes environment layer**) on a client machine side and job execution statements

for the job to be executed (i.e., **Col. 39 lines 25-27, Logic data layer include data that embodies the asset purpose or function** ), environment information including a volume logical path, a volume physical path (i.e., **Col. 46 lines 50-54, physical and logical associations**) on the client machine side, a program product name (i.e., **Col. 46 lines 25-35**), and a version of the program product on the client machine side (i.e., **Col. 52 line 34**); and allowing the server machine to allocate a logical computer for the job execution request (i.e., **Col. 45 lines 35-42, server allocates a module/sub-application for the whole application**), acquire from the logical computer both of a volume logical path and a volume physical path on a server machine side for the allocated logical computer, assign a server side volume for the logical computer corresponding to a client side volume (i.e., **Col. 12 lines 41-56, asset adaptor acquires and assigns assets from a source to a target node depending on Logical/physical path information stored in the extended environment**) through a process of creating volume correlation information (i.e., **Fig. 1G , engagement table**) with use of the volume logical path and the volume physical path on the client machine side included in the environment information and the acquired volume logical path and the acquired volume physical path for the logical computer (i.e., **Col. 35 lines 17-67, engagement table may include a logical and physical class to engage a source node to a target node for an asset**), control transfer of input data on the client side volume to a server side volume based on the volume correlation information (i.e., **Col. 35 lines 20-23 , engagement table controls the distribution of the source node to the proper destination node**), convert the environment information and the job

execution statements based on the volume correlation information so as to replace information (i.e., **Col. 39 lines 67-Col. 4 line 2, engagement table facilitates transformation of the asset which includes an LD and EE layer**) about the volume logical path and the volume physical path included in the job execution request by corresponding information for the logical computer of the server machine where the job is to be executed (i.e., **Col. 34 lines 58-64, hardware and software environment is transformed to target node**), and further replace the program product name and the version by corresponding information for the server machine on an as- needed basis (i.e., **Col. 13 lines 12-26, asset are updated as needed**), transmit the replaced environment information to said logical computer (i.e., **Col. 39 line 66-Col. 40 line 2**), and execute the job in said logical computer using the input data an replaced environment information (i.e., **Col.. 39 line 66-Col. 40 line 2, job is executed on target device using transformed environment information**) .

As pertaining to **Claim 2**, Pace teaches a method for causing a client machine to issue a job execution request (i.e., **Col. 4 lines 64-67**) in a system (i.e., **Col. 34 lines 3-15**), the system comprising the client machine into which a job is loaded (i.e., **Col. 37 lines 3-12, job loaded from source computer**) and a server machine that is in a computer environment different from a computer environment in which the client machine is (i.e., **Col. 37 lines 58-63**), said method comprising the steps of: allowing the client machine to determine according to policy information whether the job is to be executed on the server machine (i.e., **Col. 50 lines 38-42, security descriptors describe the functions of authorization and access control**); allowing the client

machine to issue a job execution request for the job to the server machine if it is determined that the job is to be executed on the server machine (i.e., **Col. 50 lines 38-42, security descriptors describe the functions of access control which will indicate if a source node can issue a job request to a target node**); the job execution request being accompanied by environment information on a client machine side (i.e., **Fig. 2C and Col. 39 lines 13-15, asset includes environment layer**) and job execution statements for the job to be executed (i.e., **Col. 39 lines 25-27, Logic data layer include data that embodies the asset purpose or function**), the environment information including a volume logical path, a volume physical path (i.e., **Col. 46 lines 50-54, physical and logical associations**) on the client machine side, a program product name (i.e., **Col. 46 lines 25-35**), and a version of the program product on the client machine side (i.e., **Col. 52 line 34**); allowing the client machine to transfer input data to a server side volume corresponding to a client side volume (i.e., **280B of Fig. 2C includes security descriptors which will allow volume of an to be transferred [Col. 39 line 66-Col. 40 line 2]**); and allowing the client machine to receive an execution result of the job execution result of the job (i.e., **Col. 45 lines 32-34**) and resulting billing information for the execution result (i.e., **Col. 22 lines 55-63, pricing descriptor included in extended environment**), wherein the server machine allocates a logical computer for the job execution request (i.e., **Col. 45 lines 35-42, server allocates a module/sub-application for the whole application**), acquires from the logical computer both a volume logical path and a volume physical path on a server machine side for the allocated logical computer, assigns a server side volume for the logical

computer corresponding to a client side volume (i.e., Col. 12 lines 41-56, **asset adaptor acquires and assigns assets from a source to a target node depending on Logical/physical path information stored in the extended environment**) through a process of creating volume correlation information (i.e., Fig. 1G , **engagement table**) with use of the volume logical path and the volume physical path on the client machine side included in the environment information, the acquired volume logical path, and the acquired volume physical path for the logical computer (i.e., Col. 35 lines 17-67, **engagement table may include a logical and physical class to engage a source node to a target node for an asset**), controls transfer of input data on the client side volume to a server side volume based on the volume correlation information (i.e., Col. 35 lines 20-23 , **engagement table controls the distribution of the source node to the proper destination node**), converts the environment information and the job execution statements based on the volume correlation information so as to replace information (i.e., Col. 39 lines 67-Col. 4 line 2, **engagement table facilitates transformation of the asset which includes an LD and EE layer**) about the volume logical path and the volume physical path included in the job execution request by corresponding information for the logical computer of the server machine where the job is to be executed (i.e., Col. 34 lines 58-64, **hardware and software environment is transformed to target node**), and further replace the program product name and the version by corresponding information for the server machine on an as-needed basis (i.e., Col. 13 lines 12-26, **asset are updated as needed** ), transmits the replaced environment information to said logical computer (i.e., Col. 39 line 66-Col. 40 line 2),



and executes the job in said logical computer using the input data and the replaced environment information (i.e., **Col. 39 line 66-Col. 40 line 2, assets are executed in sub-applications/modules of target node**).

As pertaining to **Claim 3**, Pace teaches a method for causing a server machine to execute a job in a system (i.e., **Col. 34 lines 3-15**), the system comprising a client machine into which the job is loaded and the server machine that is in a computer environment different from a computer environment of the client machine (i.e., **Col. 37 lines 58-63**), said method comprising the steps of: allowing the server machine to receive a job execution request for the job from the client machine (i.e., **Col. 4 lines 64-67**), the job execution request being accompanied by environment information on a client machine side (i.e., **Fig. 2C and Col. 39 lines 13-15, asset includes environment layer**) and job execution statements for the job to be executed (i.e., **Col. 39 lines 25-27, Logic data layer include data that embodies the asset purpose or function**), the environment information including a volume logical path, a volume physical path on the client machine side (i.e., **Col. 46 lines 50-54, physical and logical associations**), a program product name (i.e., **Col. 46 lines 25-35**), and a version of the program product on the client machine side (i.e., **Col. 52 line 34**); allowing the server machine to allocate a logical computer for the job execution request (i.e., **Col. 45 lines 35-42, server allocates a module/sub-application for the whole application**); allowing the server machine to acquire from the logical computer both a volume logical path and a volume physical path on a server machine for the allocated logical computer; allowing the server machine to assign a server side volume for the logical computer

corresponding to a client side volume (i.e., **Col. 12 lines 41-56, asset adaptor acquires and assigns assets from a source to a target node depending on Logical/physical path information stored in the extended environment**) through a process of creating volume correlation information (i.e., **Fig. 1G , engagement table**) with use of the volume logical path and the volume physical path on the client machine side included in the environment information, the acquired volume logical path, and the acquired volume physical path for the logical computer (i.e., **Col. 35 lines 17-67, engagement table may include a logical and physical class to engage a source node to a target node for an asset**); allowing the server machine to control transfer of input data on the client side volume to a server side volume based on the volume correlation information (i.e., **Col. 35 lines 20-23 , target node uses the engagement table to control the asset from the source node to the proper destination node**); allowing the server machine to convert the environment information and the job execution statements based on the volume correlation information so as to replace information (i.e., **Col. 39 lines 67-Col. 4 line 2, engagement table facilitates transformation of the asset which includes an LD and EE layer )** about the volume logical path and the volume physical path included in the job execution request by corresponding information for the logical computer of the server machine where the job is to be executed (i.e., **Col. 34 lines 58-64, hardware and software environment is transformed to target node**), and further replace the program product name and the version by corresponding information for the server machine on an as-needed basis (i.e., **Col. 13 lines 12-26, asset are updated as needed**), allowing the server machine

to transmit the replaced environment information to said logical computer (i.e., **Col. 39 line 66-Col. 40 line 2**); and allowing the server machine to execute the job in said logical computer using the input data and the replaced environment information (i.e., **Col. 39 line 66-Col. 40 line 2, job is executed on target device using transformed environment information**).

As pertaining to **Claim 4**, Pace teaches a method wherein the server machine comprises a plurality of logically partitioned logical computers (i.e., **Col. 3 lines 61-67, a plurality of components, modules or applications can be performed at various locations**), and wherein, when the job execution request is received, the job is executed on a logical computer that can interpret and execute the job execution statements (i.e., **Col. 35 lines 17-67, engagement table may include a logical and physical class to engage a source node to a proper target node for an asset to be executed**).

As pertaining to **Claim 5**, Pace teaches a method wherein the environment information includes names of programs (i.e., **Col. 46 lines 25-35**) executed for the job and the information about versions of the programs executed for the job (i.e., **Col. 13 lines 12-26, asset are compared by name updated and then by version**), and wherein the server machine determines whether the versions of the programs executed for the job are installed on the server machine and installs any uninstalled program on the server machine (i.e., **Col. 13 lines 12-26, a new asset is created if the server determines an older version**).

As pertaining to **Claim 6**, Pace teaches a method wherein the server machine executes the job in accordance with the job execution statements (**i.e., Col. 39 lines 25-27, Logic data layer include data that embodies the asset purpose or function**) for which an amount of computer resource use described in the job execution statements is changed (**i.e., 220B of Fig. 2c, Extended Environment includes Dependencies which identify the computer resources needed to execute the job**[ Col. 102 lines 8-15]) in compliance with information about a service level agreement (**i.e., Dependency Descriptors**)

As pertaining to **Claim 10**, Pace teaches a method wherein said policy information includes information about availability of computer resources needed to execute said job on said client machine (**i.e., 220B of Fig. 2c, Extended Environment includes Dependencies which identify the resources needed to execute the job**[ Col. 102 lines 8-15]).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Loomans (US 6,393,605) Transferring logical components from a source computer to a server having different environments.
10. Sun et al (US 6,442,663) Process migration between heterogeneous computer environments.
11. Kataoka (US PUB 2001/0056462) application program migrated and started from one computer to another of a different environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS DICKER whose telephone number is (571)270-3140. The examiner can normally be reached on Monday -Thursday 7:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./  
Examiner, Art Unit 2625  
11/12/2008

/Mark K Zimmerman/  
Supervisory Patent Examiner, Art Unit 2625